

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LORI A. IZQUIERDO,)
)
Plaintiff,)
)
vs.) Case No. 4:15CV573 ACL
)
CAROLYN W. COLVIN,)
Acting Commissioner of Social Security)
)
)
Defendant.)

MEMORANDUM AND ORDER

This is an action under 42 U.S.C. § 405(g) for judicial review of Defendant's final decision denying Plaintiff's application for Disability Insurance Benefits under Title II of the Social Security Act and Supplemental Security Income under Title XVI of the Act. Currently pending is Defendant's Motion for Voluntary Remand. (Doc. 19.) Plaintiff has filed a Response. (Doc. 20.)

In her motion, Defendant requests that the Court reverse the decision of the administrative law judge ("ALJ"), and remand this action to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g). Defendant states that, after careful review of the above-captioned case, agency counsel requested that the Appeals Council of the Social Security Administration consider the narrative statement supporting the limitations included in Plaintiff's residual functional capacity ("RFC"). Defendant indicates that, upon review, the Appeals Council determined that remand was appropriate. Defendant states that, upon receipt of the Court's remand order, the Appeals Council will remand this case to an ALJ with instructions to formulate Plaintiff's RFC based on all of the credible evidence of record, and to provide a narrative statement supporting the limitations included in the RFC.

In her Response, Plaintiff states that she has no objection to Defendant's Motion to Remand. (Doc. 20.)

Sentence four of 42 U.S.C. § 405(g) states that “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” In order for the Court to properly remand a case to the Commissioner pursuant to sentence four, the Court must enter an order either affirming, modifying, or reversing the Commissioner's decision. *See Brown v. Barnhart*, 282 F.3d 580, 581 (8th Cir. 2002).

The undersigned believes that it is appropriate to reverse and remand this case in order to permit the Commissioner to take further action as requested in her motion.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion for Voluntary Remand (Doc. 19) is **GRANTED**.

IT IS FURTHER ORDERED that the decision of the Commissioner be **reversed** and this cause be **remanded** to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g) for those reasons set forth in this Memorandum and Order. A separate written Judgment will be entered in favor of the Plaintiff and against the Defendant.



ABBIE CRITES-LEONI
UNITED STATES MAGISTRATE JUDGE

Dated this 1st day of October, 2015.